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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

TOM FORESE – Chairman  
BOB BURNS  
DOUG LITTLE  
ANDY TOBIN  
BOYD W. DUNN

JAN - 9 2017

DOCKETED BY

RT [Signature]

AZ CORP COMMISSION  
DOCKET CONTROL

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IN THE MATTER OF THE APPLICATION OF  
ARIZONA PUBLIC SERVICE COMPANY FOR A  
HEARING TO DETERMINE THE FAIR VALUE OF  
THE UTILITY PROPERTY OF THE COMPANY  
FOR RATEMAKING PURPOSES, TO FIX A JUST  
AND REASONABLE RATE OF RETURN  
THEREON, TO APPROVE RATE SCHEDULES  
DESIGNED TO DEVELOP SUCH RETURN.

DOCKET NO. E-01345A-16-0036

IN THE MATTER OF FUEL AND PURCHASED  
POWER PROCUREMENT AUDITS FOR ARIZONA  
PUBLIC SERVICE COMPANY.

DOCKET NO. E-01345A-16-0123

**PROCEDURAL ORDER**

Sets Procedural Conference on RCP  
Methodology and Oral Argument on  
APS's Motion for Protective Order

**BY THE COMMISSION:**

On June 1, 2016, Arizona Public Service Company ("APS" or "Company") filed with the Arizona Corporation Commission ("Commission") the above-captioned Rate Case Application.

Parties to this docket are APS, the Commission's Utilities Division ("Staff"), Richard Gayer; Patricia Ferré; Warren Woodward; IO Data Centers, LLC ("IO"); Freeport Minerals Corporation ("Freeport"); Arizonans for Electric Choice and Competition ("AECC"); Sun City Home Owners Association ("Sun City HOA"); Western Resource Advocates ("WRA"); Arizona Investment Council ("AIC"); Arizona Utility Ratepayer Alliance ("AURA"); Property Owners and Residents Association, Sun City West ("PORA"); Arizona Solar Energy Industries Association ("AriSEIA"); Arizona School Boards Association ("ASBA") and Arizona Association of School Business Officials ("AASBO") (collectively "ASBA/AASBO"); Cynthia Zwick; Arizona Community Action Association ("ACAA"); Southwest Energy Efficiency Project ("SWEEP"); the Residential Utility Consumer Office ("RUCO"); Vote Solar; Electrical District Number Eight and McMullen Valley Water Conservation & Drainage District (collectively, "ED8/McMullen"); The Kroger Co. ("Kroger"); Tucson Electric Power

1 Company ("TEP"); Pima County; Solar Energy Industries Association ("SEIA"); the Energy Freedom  
2 Coalition of America ("EFCA"); Wal-Mart Stores, Inc. and Sam's West, Inc. (collectively,  
3 "Walmart"); Local Unions 387 and 769 of the International Brotherhood of Electrical Workers, AFL-  
4 CIO (collectively, "the IBEW Locals"); Noble Americas Energy Solutions LLC ("Noble Solutions");  
5 the Arizona Competitive Power Alliance ("the Alliance"); Electrical District Number Six, Pinal  
6 County, Arizona ("ED 6"), Electrical District Number Seven of the County of Maricopa, State of  
7 Arizona ("ED7"), Aguila Irrigation District ("AID"), Tonopah Irrigation District ("TID"), Harquahala  
8 Valley Power District ("HVPD"), and Maricopa County Municipal Water Conservation District  
9 Number One ("MWD") (collectively, "Districts"); the Federal Executive Agencies ("FEA");  
10 Constellation New Energy, Inc. ("CNE"); Direct Energy, Inc. ("Direct Energy"); AARP; the City of  
11 Coolidge ("Coolidge"); REP America d/b/a ConservAmerica ("ConservAmerica"); and Granite Creek  
12 Power & Gas and Granite Creek Farms LLC (collectively, "Granite Creek").

13 On June 14, 2016, APS filed a Notice of Errata.

14 On June 23, 2016, APS filed its Second Notice of Errata.

15 On July 22, 2016, a Rate Case Procedural Order was issued setting the procedural schedule and  
16 associated procedural deadlines for this matter, granting several interventions, and granting several  
17 requests to receive service by email.

18 On August 1, 2016, a Procedural Order was issued granting Staff's request to consolidate the  
19 above-captioned dockets,<sup>1</sup> correcting typographical errors in the July 22, 2016 Rate Case Procedural  
20 Order, granting interventions, and granting requests to receive service by email.

21 On July 21, 2016, August 24, 2016, September 30, 2016, November 4, 2016, November 18,  
22 2016, and November 21, 2016, APS filed copies of presentations from their Rate Case Technical  
23 Conferences.

24 On October 14, 2016, a Procedural Order was issued granting APS's October 6, 2016 Motion  
25 for Procedural Conference and Interim Protective Order, which it filed in response to EFCA's October  
26 3, 2016 Notice of Deposition of Barbara D. Lockwood.

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28 <sup>1</sup> Docket No. E-01345A-16-0123 was opened on April 11, 2016.

On October 20, 2016, a procedural conference was held as scheduled by the Procedural Order issued October 14, 2016. APS, EFCA, TEP, Walmart, Freeport Minerals, AECC, Noble Solutions, CNE, Direct Energy, PORA, the Alliance, RUCO, and Staff appeared at the procedural conference through counsel or lay representative. During the procedural conference, APS, Noble Solutions, CNE, Direct Energy, EFCA, and Staff provided comments and arguments regarding discovery issues, and the matter was taken under advisement.

On October 21, 2016, a Procedural Order was issued rescheduling the date of the pre-hearing conference in this matter to March 13, 2017.

On November 17, 2016, a Procedural Order was issued setting procedural deadlines regarding the deposition of APS witness Barbara Lockwood.

On November 30, 2016, EFCA filed a Notice of Deposition of Barbara D. Lockwood. The Notice indicated that EFCA and APS settled upon December 15, 2016, at 9:00 a.m. as the date and time of the deposition.

On December 5, 2016, EFCA made three filings in regard to its Emergency Motion to Compel Production of Barbara Lockwood Calendar in Advance of Lockwood Deposition.

On December 7, 2016, APS filed its Response in Opposition to EFCA's Motion to Compel.

On December 7, 2016, APS filed its Motion to Compel.

On December 7, 2016, Mr. Gayer filed his Direct Testimony.

On December 12, 2016, EFCA filed a Reply in Support of its Motion to Compel.

On December 12, 2016, EFCA filed its Emergency Motion to Compel Production of Report Regarding Rate Impact.

On December 13, 2016, by Procedural Order, the Energy Freedom Coalition of America's Motion to Compel Production of Barbara Lockwood's Calendar was denied and Energy Freedom Coalition of America was ordered to file, no later than December 16, 2016, its Response to Arizona Public Service Company's December 7, 2016 Motion to Compel.

On December 13, 2016, EFCA filed a Notice of Withdrawal of its Emergency Motion to Compel Production of Report Regarding Rate Impact.

On December 14, 2016, Sunrun, Inc. filed a Notice of Withdrawal as Intervenor.

1 On December 14, 2016, Patricia Lee Refo of Snell & Wilmer LLP filed a Notice of Appearance  
2 on behalf of APS.

3 On December 19, 2016, EFCA filed its Response to the Motion to Compel filed by APS.

4 On December 19, 2016, Staff filed a Request for Extension of Filing Deadline.

5 On December 20, 2016, the IBEW Locals filed the Direct Testimony of G. David Vandever.

6 On December 21, 2016, the FEA filed the Direct Testimony of its witnesses Brian C. Andrews  
7 and Michael P. Gorman.

8 On December 21, 2016, Mr. Woodward filed his Direct Testimony.

9 On December 21, 2016, a Procedural Order was issued extending the deadline for the filing of  
10 Intervenor Direct Testimony to December 28, 2016, approving the request of Sunrun, Inc. to withdraw  
11 as an intervenor, and approving SEIA's consent to email service request.

12 On December 22, 2016, ConservAmerica filed the Direct Testimony of its witness Paul Walker.

13 On December 22, 2016, RUCO filed the Direct Testimony of its witnesses John Cassidy and  
14 Frank Radigan.

15 On December 27, 2016, Mr. Woodward filed his Motion to Compel.

16 On December 27, 2016, APS filed its Reply to EFCA's Response to APS's Motion to Compel.

17 On December 27, 2016, CNE and Direct Energy each filed a Consent to Email Service.

18 On December 28, 2016, AIC filed the Direct Testimony of its witness Branko Terzik.

19 On December 28, 2016, ED8/McMullen filed the Direct Testimony of their witness James D.  
20 Downing.

21 On December 28, 2016, AECC filed the Direct Testimony of its witness Kevin Higgins.

22 On December 28, 2016, Wal-Mart filed the Direct Testimony of its witness Gregory W.  
23 Tillman.

24 On December 28, 2016, SWEEP filed the Direct Testimony of its witness Jeff Schlegel.

25 On December 28, 2016, EFCA filed the Direct Testimony of its witness Mark E. Garrett.

26 On December 28, 2016, Staff filed the Direct Testimony of its witnesses Ralph Smith, David  
27 Parcell, Michael Lewis, and Candrea Allen.

28 On December 29, 2016, APS filed its Notice of Intent of Revenue Requirement Settlement

1 Discussions.

2 On December 30, 2016, APS filed its Notice of Filing Supplemental Testimony, to which was  
3 attached the Supplemental Direct Testimony of Jeffrey M. Burke, which addresses APS's proposed  
4 valuation of distributed generation exports using the Resource Comparison Proxy ("RCP")  
5 Methodology.

6 On December 30, 2016, EFCA filed its Sur-Response to APS's Motion to Compel; Motion to  
7 Strike Reply Brief; and Notice of Lodging Sur-Response.

8 On December 30, 2016, EFCA filed its Notice of Deposition of Charles A. Miessner.

9 On December 30, 2016, EFCA filed its Notice of Deposition of Leland R. Snook.

10 On December 30, 2016, APS filed its Response to Mr. Woodward's Motion to Compel.

11 On January 3, 2017, Mr. Woodward filed his Reply to APS's Response to his Motion to  
12 Compel.

13 On January 4, 2017, APS filed its Response to EFCA's Motion to Strike Reply Brief and Notice  
14 of Lodging Sur-Response.

15 On January 5, 2017, APS filed a Motion for Protective Order.

16 On January 6, 2017, EFCA filed its Response to APS's Motion for Protective Order.

17 On January 6, 2017, EFCA filed its Emergency Motion for Expedited Consideration Regarding  
18 EFCA's Response to APS's Motion for Protective Order.

19 On January 6, 2017, EFCA filed its Amended Notice of Deposition of Leland R. Snook.

20 On January 6, 2017, Staff filed its Notice of Time and Location for Settlement Discussions.

21 Numerous public comments have been filed.

22 APS's Motion for Protective Order

23 EFCA requests an emergency hearing for consideration of APS's Motion for Protective Order  
24 to be held no later than January 12, 2017, because EFCA currently has the depositions of APS witnesses  
25 Leland Snook and Charles Miessner scheduled for January 16 and January 20, 2017.

26 EFCA's request is reasonable, and oral argument on APS's Motion for Protective Order should  
27 be held as soon as possible. Because the parties have scheduled Settlement Discussions to take place  
28 on January 12 and 13, 2017, the oral argument will be scheduled for the afternoon of January 11, 2017.

1 RCP Methodology and Valuation of Distributed Generation Exports

2 Decision No. 75859 (January 3, 2017) directed the Hearing Division to promptly issue any  
3 necessary Procedural Orders regarding the incorporation of the RCP Methodology into proceedings in  
4 currently pending electric utility rate cases. On December 30, 2017, APS filed Supplemental Direct  
5 Testimony on its proposed RCP Methodology valuation of distributed generation exports.

6 The parties should be prepared to discuss the appropriate means of incorporating the RCP  
7 Methodology into the procedural schedule of this proceeding, and any procedural issues associated  
8 with the incorporation.

9 Motions to Compel

10 The pending Motions to Compel filed by APS and Mr. Woodward, and the related responsive  
11 pleadings, will be considered in a subsequent Procedural Order.

12 Consents to Email Service

13 CNE and Direct Energy have each filed a Consent to Email Service in this docket and have  
14 each sent a confirming email to the Hearing Division from their designated email address. Their  
15 requests should therefore be approved.

16 IT IS THEREFORE ORDERED that a **procedural conference shall be held on January 11,**  
17 **2017, commencing at 2:00 p.m.,** or as soon thereafter as practicable, at the Commission's offices,  
18 1200 West Washington, Hearing Room No. 2, Phoenix, Arizona 85007 for the purpose of taking oral  
19 argument on the Motion for Protective Order filed by Arizona Public Service Company, on January 5,  
20 2017, and on responsive pleadings.

21 IT IS FURTHER ORDERED that the parties shall also be prepared to discuss the appropriate  
22 means of incorporating the RCP Methodology into the procedural schedule of this proceeding, and any  
23 procedural issues associated with the incorporation.

24 IT IS FURTHER ORDERED that **Constellation New Energy Inc.'s and Direct Energy Inc.'s**  
25 **consents to receive service of all filings** in this docket, including all filings by other parties (including  
26 Commission Staff), all Procedural Orders and Recommended Opinions and Orders/Recommended  
27 Orders issued by the Commission's Hearing Division, and all filings made by a Commissioner or the  
28 Commission's Executive Director, **via email sent to their designated email addresses** rather than via

1 U.S. Mail, are hereby **approved**.

2 IT IS FURTHER ORDERED that each party or prospective party shall **refer to the Rate Case**  
3 **Procedural Order** issued in this matter on **July 22, 2016**, for additional information regarding the  
4 process to consent to service by email. Information regarding Consent to Email Service is also  
5 available on the Commission's website (www.azcc.gov) by clicking on "Email Service Consent."

6 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or  
7 waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at  
8 hearing.

9 DATED this 9<sup>th</sup> day of December, 2016.

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12 TEENA JIBILIAN  
13 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE  
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On this 9th day of December, 2016, the foregoing document was filed with Docket Control as a Procedural Order – Approving Consent to Email Service, and copies of the foregoing were mailed on behalf of the Hearing Division to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link to the foregoing to the following who have consented to email service.

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